IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No. 5336 of 2005

with

Criminal Application No. 4726 of 2005

in

Criminal Appeal No. 686 of 2005

Dinesh Sitaram Kapade and

Pintya @ Bhausaheb Sampat Bawale. .Applicants.

vs

State of Maharashtra . Respondent.

Mr Rajan Salvi for applicants
Smt. V.R. Bhonsale, Addl. P.P for State.

CORAM: V.G.PALSHIKAR, Acg, C.J. &
SMT NISHITA MHATRE , J.

DATE: SEPTEMBER 25, 2006

P.C.:

These applications have been filed by the accused nos 6 and 8 claiming bail basically on the ground that during the course of trial both of them were on bail. However, thereafter they have been convicted and sentenced, which conviction is questioned in them above appeal.

Affidavit in reply has been filed opposing grant of bail to the present accused. An apprehension is expressed that accused No.8 may, if released on bail, misuse the liberty and harass the heirs of the deceased and other witnesses. The learned counsel for accused no.6 claims application of law of parity in the matter of release on bail to a person convicted by a court of competent jurisdiction. In our opinion, such a parity is not possible in case of grant of bail, which must be judged on facts of each individual and circumstances. On this ground also there is no reason t consider the prayer of accused no. 6 in a different way than accused No.8.

Hence both the applications are rejected.